station or the sharing of capacity of the common traffic channel between the simultaneous calls.

In Dail, the "channels" 202-1 to 202-n and 203-1 to 203-m are broadband frequency channels, which are divided into frames and time slots. Thus, these broadband "channels" are not traffic channels that can be assigned to individual user stations; rather, these broadband "channels" are actually carrier frequencies shared by multiple users via time division multiplexing. Only such time slots are assigned to individual stations. In Dail, particularly at lines 34-50 of col. 26, upstream channels 202-1 to 202-n, as explained above, are described. That passage merely teaches that if a station has a first call in a time slot on the upstream carrier frequency channel 202-1, a time slot for a new second call can be assigned from a different upstream carrier frequency channel 202-n, when an appropriate bandwidth time slot is not available on the first carrier frequency channel. However, Dail fails to disclose, teach or suggest the assignment of one common traffic channel to two or more simultaneous mobile communication network calls of a mobile station or the sharing of capacity of the common traffic channel between the simultaneous calls.

Dail further fails to teach favoring transparent calls or connections over non-transparent calls or connections in allocation of the capacity on the common traffic channel, when the mobile communication network is temporarily unable to allocate more transmission capacity or the requested amount of transmission capacity to the common traffic channel.

The Office Action asserted that STM traffic is equivalent to transparent calls and that ATM traffic is equivalent to non-transparent traffic. However, as illustrated in Figures 8 and 9 in Dail, STM and ATM traffic is transferred in totally separate regions and time slots in the frames. Thus, they do not share a common traffic channel assigned to a single station for two or more simultaneous calls. Accordingly, Dail fails to disclose, teach or suggest favoring transparent calls or connections over non-transparent calls or connections in allocation of the capacity on a common traffic channel, when the mobile communication network is temporarily unable to allocate more transmission capacity or the requested amount of transmission capacity to the common traffic channel.

Accordingly, Applicant submits that claims 10, 27, 30, 38 and 39 are not anticipated by or rendered obvious from the teachings of Dail. Therefore, the prior art rejection is traversed.

All rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to

place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

CHRISTINE H. MCCARTHY
Reg. No. 41844
Tel. No. 703 770.7743
Fax No. 703 770.7901

Date: February 13, 2005
P.O. Box 10500
McLean, VA 22102
(703) 770-7900

REMARKS

By this Amendment, claims 40-44 are added to more fully claim the disclosed invention and an Abstract is provided on a separate sheet of paper. Claims 1-44 are pending.

The Office Action rejected claims 10, 27, 30, 38 and 39 under 35 U.S.C. 102(b) as being anticipated by Dail et al. (U.S. 5,570,355; hereafter "Dail"). Applicant traverses the rejection because Dail fails to disclose, teach or suggest all the features recited in the claimed invention. For example, Dail fails to disclose, teach or suggest the operation or structure for assignment of one common traffic channel to two or more simultaneous mobile communication network calls of a mobile station or the sharing of capacity of the common traffic channel between the simultaneous calls or the claimed operations and structure for favoring transparent calls or connections over non-transparent calls or connections in allocation of the capacity on the common traffic channel, when the mobile communication network is temporarily unable to allocate more transmission capacity or the requested amount of transmission capacity to the common traffic channel.

Dail merely discloses a system and technique that supports Synchronous Transfer Mode (STM), e.g., voice and video telephony as well as packet mode (e.g., Asynchronous Transfer Mode, ATM) applications, e.g., broadcast digital video, interactive television and data, in the context of multiple access on broadband fiber/coaxial cable networks. The time domain for a given digital bit stream channel is divided into a series of successive frames, each having a plurality of time slots.

In Dail, the term "digital channel" refers to one of the broadband uplink frequency channels 202-1 to 202-n and broadband downlink frequency channels 203-1 to 203-m, illustrated in Figure 2. In Dail, a frame is divided into two regions containing different types of time slots, STM and ATM, as illustrated in Figures 8 and 9. Within the STM region, variable length time slots can be allocated to calls, such as voice and video telephony, requiring different amounts of bandwidth.

A contention access signalling channel is also provided in this region, for STM call control and set-up requests. Within the ATM region, the time slots are of fixed length, each capable of accommodating one ATM cell. Further, a fixed length ATM time slot may be reserved for a particular user for the duration of a call, or may be shared through a contention process.

However, Dail fails to disclose, teach or suggest the assignment of one common traffic channel to two or more simultaneous mobile communication network calls of a mobile